

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Magistrate Number:

[UNDER SEAL]

09.0280M

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

I, Robert F. Smith, being duly sworn, depose and state
as follows:

INTRODUCTION

I am a Special Agent of the Federal Bureau of Investigation, currently assigned to the Pittsburgh Office. I have been so employed for nineteen (19) years. As part of my duties I investigate violations of federal law, including the online exploitation of children, particularly in relation to violations of Title 18, United States Code, Sections 2251 and 2252, which criminalize, among other things, the production, distribution, receipt, and possession of child pornography.

This affidavit is submitted in support of an application for a search warrant for an internet-based email account. The account to be searched is jdjohnnyboy14@gmail.com - a gmail account is a service provided by Google, 1600 Amphitheater Parkway, Mountain View, CA 94043. The items that are the subject of this application are more specifically described in **Attachment A (incorporated by reference herein)**.

The information contained within this affidavit was

obtained by me personally, or was provided to me by FBI personnel associated with the Innocent Images National Initiative, and other law enforcement officers and third-party sources named herein.

STATUTORY AUTHORITY

This investigation concerns alleged violations of Title 18, United States Code, Sections 2251, 2252, and 2252A, relating to material involving the sexual exploitation of minors. These sections prohibit a person from knowingly producing, transporting, shipping, receiving, distributing, reproducing for distribution, or possessing any visual depiction of minors engaging in sexually explicit conduct when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce

BACKGROUND OF INVESTIGATION

Based on information provided to your affiant by Special Agent David C. Fallon of the FBI Albany Division, I know that on 08/11/08, the National Center for Missing and Exploited Children (NCMEC) received a tip from an individual from New York that, briefly summarized, reported that on the website <http://posseteens.ning.com> there were images and videos of children involved in sexually explicit activity with other minors and

adults. The NCMEC tipline report further indicated that a group of individuals using the web site Ning.com had created a social networking group called "Posseteens" through this web site and were using said group to post and trade images of child pornography. On 09/02/08, a member of the NCMEC staff attempted to access the site and received a message that membership to the site was by invitation only.

Based upon information contained in the NCMEC CyberTipline Report, on 09/03/2008, SA Fallon logged onto the "posseteens" site in an undercover capacity and observed that numerous members of this site had posted images of child pornography to the site.

On 09/08/2008, SA Fallon made contact with a Ning.com representative and learned that Ning.com is an online service provider that provides a platform (set of technology applications) that enable individuals to build their own web sites or social networks. Ning.com is not involved in the decisions relating to the content uploaded or published by the creators of these social networks. Ning.com does not provide any form of Internet access or connection for individuals who use the Ning.com platform. Ning.com personnel further provided, following a review of the posseteens.ning.com website, that there were 77 members of the "posseteens" social network and that 30 of those members uploaded content to the network which Ning.com considered child pornography.

On 09/25/2008, SA Becky Little, Philadelphia Division, contacted the Albany Division and advised that SA James Kyle, Williamsport RA was a member of the Posseteens site in an undercover capacity. Contact with SA Kyle found that based upon an investigation conducted in the Houston Division, he was able to assume the identity of a member of the Posseteens site who was cooperating with law enforcement. Upon accessing the network, SA Kyle observed images and movies depicting minors engaged in sexually explicit poses and/or conduct.

As a result of the investigation conducted, a Search Warrant was drafted and executed for the Posseteens network as contained on the servers of its host, Ning.com. The warrant was served upon Ning.com on 10/07/2008. Ning.com provided the requested information on 10/23/2008 in the form of computer disks containing information regarding the Posseteens social network including member lists, registration information, and uploaded content.

SPECIFIC PROBABLE CAUSE

Pursuant to the executed search warrant on Ning.com, Administrative Subpoenas were sent to Internet Service Providers (ISP) of Posseteens members determined to be residing in the United States. The results of those subpoena requests succeeded in identifying the subscribers of Internet Protocol (IP) addresses captured by Ning.com when a member registered with the Posseteens

network. An IP address, expressed as four numbers separated by decimal points, is unique to a particular computer during an online session. The IP address provides a unique location, making it possible for data to be transferred between computers. Upon determining an IP address of a computer system sharing files, investigators can then search public records that are available on the internet to determine the internet service provider who has assigned that IP address. Based upon the IP address assigned to the computer sharing files, subscriber information can be obtained from the internet service provider.

Among the Posseteens IP addresses captured by Ning.com, one has been identified as 69.40.137.21 which was assigned on 08/03/08 at 20:09:53 GMT. The IP address was determined to be assigned to Windstream Communications. Subsequently, an Administrative Subpoena was issued to Windstream Communications requesting subscriber information for the IP address at the above-mentioned date and time. Windstream Communications responded to the subpoena identifying the subscriber as Laura LEWIS of 434 Pitt Street, Leechburg, PA, 15656. The phone number Windstream Communications had on file for Laura LEWIS was 724.845.1157.

A review of records obtained from Ning.com regarding the Posseteens member having assigned IP address 69.40.137.21 revealed the following: The Posseteens email address associated with this member is jdjohnnyboy14@gmail.com. Further, Ning.com records

determined this member uploaded content to the Posseteens network. Specifically, six files were determined to have been uploaded. The files and filenames were furnished by Ning.com for review. Descriptions of each file are as follows:

- "http://posseteens.ning.com/video/video/show?id=2246198%3AVideo%3A1621 http://api.ning.com/files/CSO-Ngy1bJ6NmsXgTYrKDFjf8wdAlsbwrz2Aoem09UxffnE*eKpMGhpeVKozTN9CineGC*S9tc&ioJZ4TOZfETjcX4Pzjm/tmp61618.flv"
Description: A video of a male, approximately 13-14 years of age, with his penis exposed and engaged in masturbation. This video is 12 minutes and 27 seconds in length. Uploaded August 14, 2008.
"http://posseteens.ning.com/video/video/show?id=2246198%3AVideo%3A1605
http://api.ning.com/files/o2wU7T05FPTaUE36zLkhYzllbNztGTKZYcT5PmaqBF2vBZpF4Zdl0*nKDjD-uFnclterltqfDPCSp1DKIF-ZRQMRxApuqPmz/tmp55246.flv" Description: A video of a male, approximately 12 years of age, with his penis exposed and engaged in masturbation. This video is 4 minutes and 08 seconds in length. Uploaded August 14, 2008.
"http://posseteens.ning.com/video/video/show?id=2246198%3AVideo%3A1593 http://api.ning.com/files/eRkYEL5hAcQaPSaXopFZ4iniiMyvpOGdSosqs92CtrUwoiqre*KsUMJ1sFKBCSWS

KC9gJV*SQfrxKHgK1AKrxeRWcU2L7YnC/tmp61582.flv"

Description: A video of a male, approximately 13-14 years old, with his penis exposed and engaged in masturbation along with an older teenage male. This video is 1 minute and 27 seconds in length. Uploaded August 14, 2008.

"http://posseteens.ning.com/video/video/show?id=2246198%3AVideo%3A1591 http://posseteens.ning.com/files/eRkYEL5hAcTsyAcLU05OYs2ud99sU0v3oOkyqUipgSmdV6VI*ZO*7IFG4GN3QigVQBSGKj*xili6*8XvQbiCA259wemFAA4c/tmp44291.flv"

Description: A video of a male, approximately 12 years old, with his penis exposed and engaged in masturbation. This video is 1 minute and 02 seconds in length. Uploaded August 14, 2008.

"http://posseteens.ning.com/video/video/show?id=2246198%3AVideo%3A1584 http://posseteens.ning.com/files/-uT6Svb0L6FIDJ0jpFti0qYB*YwlgPfvnSzIGRRfssSPyFZatLeqlgBiBQjicAB3*F0AqrFiNoQShJRK4fEcT72gzYicKZG/tmp68562.flv"

Description: A video of a male, approximately 13-14 years old, with his penis exposed and engaged in masturbation. This video is 12 minutes and 27 seconds in length. Uploaded August 14, 2008.

"http://posseteens.ning.com/video/video/show?id=2246198%3AVideo%3A1064 http://api.ning.com/files/G90MFBDUR

m1YP*00qJh4i3ng8VKLVCZ112iJCXzoOR00EuQOqtZf0534VVouW44
fM8aiXqgY6i9*ow3aTjdgaY*gxHW1ml/tmp8505.flv"

Description: A video of two males, one approximately 10 years of age, who initially engages in the masturbation of an older male, approximately 16 years of age, and then is anally penetrated by the older male. This video is 7 minutes and 25 seconds in length. Uploaded August 12, 2008.

In light of the members-only nature of the Posseteens website and the website's purpose (i.e., the sharing of images of child pornography), there is sufficient reason to conclude that the Posseteens member who is the subject of my investigation is a collector of child pornography. This is particularly true in light of the member's upload of multiple images of child pornography to the website. Based upon my own knowledge and experience in child exploitation and child pornography investigations, and the training and experience of other law enforcement officers with whom I have had discussions, there are certain characteristics common to individuals involved in the collection of child pornography.

a. Child pornography collectors may receive sexual gratification, stimulation, and satisfaction from contact with children; or from fantasies they may have viewing children engaged in sexual activity or in sexually suggestive poses, such as in person, in photographs, or other visual media; or from literature

describing such activity;

b. Collectors of child pornography may collect sexually explicit or suggestive materials, in a variety of media, including photographs, magazines, motion pictures, videotapes, books, slides and/or drawings or other visual media. Child pornography collectors oftentimes use these materials for their own sexual arousal and gratification. Further, they may use these materials to lower the inhibitions of children they are attempting to seduce, to arouse the selected child partner, or to demonstrate desired sexual acts;

c. Collectors of child pornography sometimes possess and maintain their "hard copies" of child pornographic material; that is, their pictures, films, video tapes, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, etc., in the privacy and security of their home or some other secure location, such as a private office. Child pornography collectors typically retain pictures, films, photographs, negatives, magazines, correspondence, books, tape recordings, mailing lists, images of child erotica, and video tapes for many years;

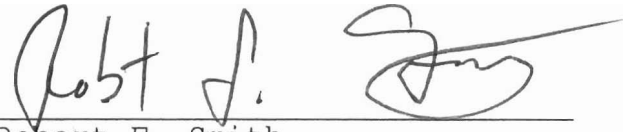
d. Collectors of child pornography prefer not to be without their child pornography for any prolonged time period, and they keep their child pornography collections for long periods of time, up to years, often in computers or computer-related media.

This behavior has been documented by law enforcement officers involved in the investigation of child pornography throughout the world.

CONCLUSION

Based on the above information, there is probable cause to believe that 18 U.S.C. §§ 2251, 2252, and 2252A, which, among other things, make it a federal crime for any person to knowingly produce, transport, distribute, receive, or possess child pornography, have been violated, and that the property, evidence, and instrumentalities of these offenses, listed in Attachment A, are located on the servers of gmail/Google and will constitute evidence of those violations, including the identity of the person responsible for committing them. This Affiant requests a search warrant for the information and items listed in Attachment A.

The above information is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "Robert F. Smith", written over a horizontal line.

Robert F. Smith
Special Agent
Federal Bureau of Investigation
Pittsburgh, Pennsylvania

Sworn and subscribed to before me
this 14 day of May, 2009.

A handwritten signature in black ink, appearing to read "Robert C. Mitchell", written over a horizontal line.

ROBERT C. MITCHELL
United States Magistrate Judge